



General Assembly

February Session, 2004

**Amendment**

LCO No. 3126

**\*HB0524103126HR0\***

Offered by:

REP. BERNHARD, 136<sup>th</sup> Dist.

REP. BACKER, 121<sup>st</sup> Dist.

REP. WIDLITZ, 98<sup>th</sup> Dist.

To: Subst. House Bill No. **5241**

File No. 482

Cal. No. 328

**"AN ACT CONCERNING SHELLFISHING VIOLATIONS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 26-215 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective June 1, 2004*):

5 (a) There shall not be used on any licensed boat any device operated  
6 otherwise than by hand power, for hoisting or operating dredges or  
7 other implements for gathering oysters, clams, mussels or other  
8 shellfish or oyster shells. No person shall use any dredge or other  
9 contrivance weighing more than thirty pounds, exclusive of the net or  
10 bag, or with a capacity of more than one and one-half bushels in taking  
11 up or dredging for oysters, clams, mussels or other shellfish or oyster  
12 shells in any of the waters of the state, except upon private designated  
13 grounds. Nothing [herein] in this section shall be construed to prevent  
14 the use of power in taking up or dredging for oysters, clams, mussels

15 or other shellfish or shells on private designated grounds by the  
16 owners thereof, or to prevent the use of excavators for deepening the  
17 water in places where there are no natural oyster or clam beds, or  
18 where such beds have not existed within ten years, by digging or  
19 removing the material, permission to use excavators being first given  
20 by the Commissioner of Agriculture, which permission shall not be  
21 given until after a public notice of at least two weeks of the time when  
22 and place where he will hear all parties desiring to be heard upon such  
23 application, which notice shall be posted in the office of the town clerk  
24 of the town where such grounds are located.

25 (b) Notwithstanding the provisions of subsection (a) of this section,  
26 the Commissioner of Agriculture, at the request of the director of the  
27 Bureau of Aquaculture of the Department of Agriculture, based on the  
28 request of a local shellfish commission established pursuant to section  
29 26-257a, as amended, may allow limited and supervised use of a  
30 power dredge or other contrivance weighing more than thirty pounds,  
31 exclusive of the net and bag, with a capacity of not more than three  
32 bushels, for the purpose of cultivation, enhancement or restoration of  
33 natural shellfish beds located within the jurisdiction of said  
34 commission. The use of a power dredge or other contrivance pursuant  
35 to this section shall not be extended to the harvesting or removal of  
36 oysters.

37 (c) The Commissioner of Agriculture, upon the recommendation of  
38 the director of the Bureau of Aquaculture of the Department of  
39 Agriculture, shall approve any dredging pursuant to subsection (b) of  
40 this section and shall designate cultivation, enhancement and  
41 restoration areas, dredging periods and limitations for shellfish  
42 commissions operating pursuant to subsection (b) of this section. Such  
43 shellfish commissions shall administer such dredging pursuant to  
44 section 26-257a, as amended, and shall designate areas for replanting  
45 shellfish pursuant to subsection (b) of this section."